

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANKLIN STYER,	:	Civil No. 1:13-CV-833
	:	
Plaintiff,	:	
	:	(Judge Yvette Kane)
v.	:	
	:	
FRITO-LAY, INC.,	:	(Magistrate Judge Carlson)
	:	
Defendant.	:	

MEMORANDUM ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The plaintiff, Franklin Styer, instituted this workplace discrimination action on April 2, 2013, by filing a complaint, through counsel, alleging, *inter alia*, that his former employer Frito-Lay, Inc. (“Frito Lay”), violated Title VII of the Civil Rights Act of 1964 by creating and maintaining a hostile work environment, engaged in retaliatory harassment of the plaintiff and discriminated against the plaintiff based on race, all of which Styer claims resulted in his involuntary resignation.

At the close of what has been an occasionally contentious period of discovery, Frito-Lay moved for summary judgement, arguing that there was no dispute as to any material issue of fact, and contending that it was entitled to judgment in its favor as a matter of law. (Doc. 44.) The plaintiff then responded to this motion in August

2014. (Docs. 57-60.), and the matter is ripe for resolution. However, on March 10, 2015, some six months after filing this response, the plaintiff submitted a letter, indicating that its response to this summary judgment motion is incomplete, and asking for the Court's guidance regarding how to proceed. (Doc. 68.)

In light of this representation by plaintiff's counsel, IT IS ORDERED as follows:

1. Further proceedings on this motion for summary judgment are STAYED pending resolution of the question of whether the record in this matter is complete.
2. If the plaintiff wishes to add material to the summary judgment record, he shall do so by filing a motion for leave to supplement the record, along with the additional material he seeks to add to the record. This motion shall be filed on or before **March 16, 2015**.
3. The defendant may then respond to this motion, by either opposing the motion, or if appropriate filing a supplemental reply brief addressing the new matters submitted by the plaintiff, on or before **March 30, 2015**.
4. Upon consideration of these filings, the Court will determine whether a continuation of the stay or further briefing is necessary.

So ordered this 11th day of March, 2015.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge